

Notice of Allowability

Application No.

10/813,887

Examiner

Christopher Upton

Applicant(s)

SMITH ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 19-38.
3. ☐ The drawings filed on ____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

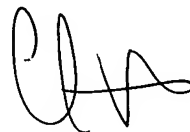
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____



CHRISTOPHER UPTON
PRIMARY EXAMINER

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Charles Nessler on August 12, 2005.

The application has been amended as follows:

In claim 19, line 3, after "chambers", -- having perforated walls - has been inserted.

In claim 19, line 7, "array" has been changed to - permeable media --.

The dependency of claim 20 has been changed to - 21 --.

In claim 21, line 1, "comprised" has been changed to -comprises --.

In claim 22, line 2, prior to "chambers", -- solids retention subsystem - has been inserted.

In claim 28, line 3, after "stormwater", -- directly - has been inserted.

In claim 35, line 7, after "chambers", -- having perforated walls - has been inserted.

In claim 37, line 7, after "chambers", -- having perforated walls - has been inserted.

In the specification, prior to line 1, --This application claims the benefit of U.S. Provisional Application 60/459,478, filed April 4, 2003. - has been inserted.

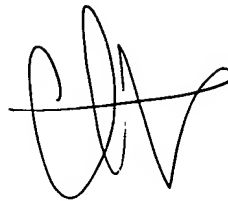
In the specification, page 5, line 1, "percolation" has been changed to
- percolates --.

The following is an examiner's statement of reasons for allowance: The recitation of a method and apparatus for handling stormwater comprising a solids retention subsystem buried within a permeable media for receiving stormwater, removing solids from stormwater by settling and filtration, and discharging the stormwater to the permeable media, with an array of chambers with perforated walls spaced apart from the solids retention subsystem buried within the permeable media for receiving and discharging the stormwater patentably distinguishes over the prior art of record. The closest prior art or record, as exemplified by Tipton, Sipaila, Sullivan, and Heine, discloses direct discharge from a solids removal device to an array for discharging the water without first being discharged to a permeable media. DiTullio discloses a combined underground filtration and discharging device, but does not have a separate spaced apart array of chambers for receiving and discharging the water. Other references disclosing features of interest include Presby and Seefert, which disclose drainage structures; Hurley, which discloses a system for receiving and discharging drainage; and Pank and Greene, which disclose stormwater collection, treatment and discharge systems with bypasses.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A handwritten signature in black ink, appearing to be 'CU' with a stylized flourish extending to the right.

CHRISTOPHER UPTON
PRIMARY EXAMINER